

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:02-cr-248

v.

HON. JANET T. NEFF

MICHAEL LAMONT WILEY,

Defendant.

AMENDED MEMORANDUM OPINION AND ORDER

Defendant Michael Lamont Wiley has filed motions for modification or reduction of sentence (Dkts 43, 44) pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is ineligible for reduction as a reduction of sentence is inconsistent with the policy statements. The amended guideline calculations does not result in a lower guidelines

range as acknowledged in Defendant's Response to Sentence Modification Report (Dkt 61).¹ While it is in the Court's discretion to further reduce defendant's sentence, the Court is not persuaded that further reduction is justified on the facts of this case.

Therefore, IT IS HEREBY ORDERED that Defendant's motions for modification of sentence (Dkts 43, 44) pursuant to 18 U.S.C. § 3582(c)(2) are DENIED.

DATED: April 27, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge

¹The original Memorandum Opinion and Order filed 4/27/12 (Dkt 62) erroneously indicated that defendant was sentenced as a career offender. The amended guidelines calculation is not lowered as a result of Amendment 750 notwithstanding that defendant was not sentenced as a career criminal.